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NOTE BY THE SECRETARY-GENERAL

The Secretary-General has the honour to transmit to the Security Council the attached report of the Director General of the International Atomic Energy Agency on the implementation of the Agency's plan for future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of resolution 687 (1991).

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Annex

Letter dated 11 April 1992 from the Director General of the International Atomic Energy Agency addressed to the Secretary-General

Paragraph 8 of resolution 715 (1991), adopted by the Security Council on 11 October 1991, requests the Director General of the International Atomic Energy Agency to submit to the Security Council reports on the implementation of the Agency's plan for future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of resolution 687 (1991).

These reports are to be submitted when requested by the Security Council and, in any event, at least every six months after the adoption of resolution 715.

Accordingly, I am requesting you to kindly transmit the enclosed first six months' report on the implementation of the plan and remain available for any consultation you or the Council may wish to have.

(Signed) Hans BLIX

Enclosure

REPORT OF THE DIRECTOR GENERAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY ON THE IMPLEMENTATION OF THE AGENCY'S PLAN FOR FUTURE ONGOING MONITORING AND VERIFICATION OF IRAQ'S COMPLIANCE WITH PARAGRAPH 12 OF RESOLUTION 687 (1991)

1. On 11 October 1991, the Security Council adopted resolution 715 (1991) approving, inter alia, the plan submitted in document S/22872/Rev.1./Corr.1. by the Director General of the International Atomic Energy Agency for future ongoing monitoring and verification of Iraq's compliance with paragraph 12 of Part C of Security Council resolution 687 (1991) and with the requirements of paragraphs 3 and 5 of resolution 707 (1991). In paragraph 8 of resolution 715, the Security Council requested the Director General of the IAEA to submit to it reports on the implementation of the plan when requested by the Security Council and, in any event, at least every six months after the adoption of resolution 715.

2. Accordingly, the Director General hereby submits the first six-month report on implementation of the plan for future ongoing monitoring and verification related to Iraq's nuclear capabilities.

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3. Pursuant to paragraph 22 of the plan, Iraq was obliged to provide to the Agency within 30 days of approval of the Plan (i.e., by 10 November 1991), and in accordance with Annex 2 of the plan:

(a) an inventory of all nuclear material in Iraq;

(b) an inventory of all facilities, installations and sites in Iraq where nuclear activities of any kind, including but not limited to research facilities, laboratory-scale installations and pilot plants, which have been or which are suitable for carrying out such activities;

(c) an inventory of all material, equipment and items in Iraq identified in Annex 3 of the plan;

(d) an inventory of all isotopes in Iraq used for medical, agricultural or industrial applications;

(e) information on existing and proposed programmes of nuclear activities in Iraq for the next five year period; and

(f) an inventory of all facilities, installations and sites in Iraq which are provided with any means of supply of electricity exceeding 10 MW.

4. Annex 2 of the plan, which contains the provisions related to information requirements, sets out in detail the information to be provided with respect to the above. The Annex requires that

the initial information be provided, in English, within 30 days of adoption of the plan by the Security Council. It further requires that the initial information cover the period from 1 January 1989, with subsequent complete information to be provided each 15 January and 15 July, covering the six-month period prior to the provision of the information.

5. In a letter of 19 November 1991 addressed to the President of the Security Council, the Minister of Foreign Affairs of Iraq criticized the plans under resolution 715 (1991) as the most recent of "unlawful measures" taken by the Security Council. He described the plans as "arbitrary restrictions on development programmes in Iraq" and a violation of the "principles on which the United Nations was established, including that of safeguarding the independence, sovereignty and territorial integrity of Member States". Specific complaint was made that the plans contained no limitation in time for its implementation. The letter concluded by stating "that Iraq, in accordance with its obligations under resolution 687 (1991) ... is submitting herewith the information required under resolution 687 (1991) that comes under the mandate of the Special Commission." That information was delivered to the field office of the Special Commission in Baghdad on 20 November 1991 for onward transmission to the President of the Council. It consisted of approximately 190 pages of Arabic text including, inter alia, five tables related to Iraq's nuclear capabilities.

6. On 3 December, the Director General of the IAEA met with the Iraqi Resident Representative to the International Atomic Energy Agency in Vienna. He stated that the Agency had not yet received the information specified in paragraph 22 (b-f) pursuant to Annex 2 of the plan and pointed to Iraq's obligations.

7. On 11 December 1991, the Iraqi Resident Representative in Vienna transmitted to the Director-General 52 pages (in Arabic) "in compliance with Security Council resolution 715", indicating that these pages had been among those supplied to the Baghdad office of the Special Commission by the Minister for Foreign Affairs at an earlier date (see para. 5 above). The texts submitted by the Iraqi Resident Representative consisted of the following:

(1) Table 1 (11 pages) - "Iraq's obligations and action taken"

(2) Table 2 (7 pages) - "Inventory of nuclear material in Iraq."
along with a notation that "In addition to that, uniform tables are being prepared for all information contained in the declarations mentioned in paragraph (a), (b) and (c)" of the table

(3) Table 3 (1 page) - "Information on nuclear sites, facilities and installations"

(4) Table 4(3 pages) - "Inventory of radioactive sources of the Iraqi Atomic Energy Commission (IAEC)"

(5) Table 5 (20 pages) - "Inventory of radioactive sources in Iraqi installations and establishments other than the Iraqi Atomic Energy Commission"

(6) Table 6 (10 pages) - Although indicated as a separate table in the covering letter, this table is actually an appendix to table 3.

The letter from the Permanent Representative of Iraq of 11 December is the sole occasion on which reference is made to the submission of information under resolution 715 (1991), the Iraqi authorities at the highest levels having otherwise consistently throughout referred to information as being submitted under resolution 687 (1991).

8. In the course of the ninth IAEA inspection in Iraq, the Head of the Iraqi Inspection Team, Mr. Al-Hajjaj, submitted to the Agency's Chief Inspector, a letter (in Arabic) dated 13 January attaching a supplement to the previous table identifying additional radioactive sources found in the Tuwaitha centre. Simultaneously, Mr. Hajjaj submitted another letter of the same date attaching another table, identified as Table 6, also in Arabic, listing "equipment and devices related to the Iraqi nuclear programme in accordance with Security Council resolution 687 (1991)." In the latter, the Head of the Iraqi Inspection Team, referred to a number of items requested to be included in the table which Iraq considered as exceeding their obligations under resolution 687.

9. During the Tenth IAEA inspection in Iraq, discussions were held with Iraqi authorities on the plan for ongoing monitoring and verification. The Iraqi side indicated that they were anxious to close the present phase of inspection and to begin implementing the plan. They proposed to clarify, once and for all, all the outstanding issues concerning their past nuclear activities and asked the IAEA to define what was still needed of them. The Iraqi authorities admitted that the information transmitted to date had not conformed with the requirements of the plan insofar as it mainly reflected the situation as of the date the information was prepared (November 1991) rather than covering the period from 1 January 1989 as stipulated in the resolution. This resulted in an understatement of activities, equipment and material owing to the omission of some of the facilities and equipment damaged in the course of the Gulf War and/or destroyed by the Iraqi side. The Iraqi authorities further acknowledged that the list of items to be reported to the IAEA

should not have been limited to items in the possession of the IAEC, but rather should have included all such items in Iraq. While agreeing that modification of the information to reflect the situation as of 1 January 1989 could be made, the Iraqi team advised the Agency that, as it would be practically impossible to report to the Agency all items of the kind in question in Iraq, they could not comply with that requirement. The Iraqis also refused to identify facilities, installations and sites provided with an electricity supply exceeding 10MW, except for two such facilities belonging to the IAEC.

10. On 21 to 24 February 1992 the Executive Chairman of the Special Commission visited Baghdad on a special mission in an attempt to secure unconditional agreement by Iraq to implement all of its relevant obligations under Security Council resolutions 687 (1991), 707 (1991) and 715 (1991). Iraq indicated that it would be dispatching shortly a delegation to talk to the Security Council which would convey Iraq's position on resolutions 707 (1991) and 715 (1991). In a letter dated 24 February 1992 addressed to the Secretary-General (S/23636) the Minister of Foreign Affairs of Iraq reiterated the points made in the written statement which had been provided to the special mission (S/23643). The President of the Security Council issued on 28 February 1992 a statement on behalf of the Council, condemning the failure of Iraq to provide the special mission with the acknowledgements and undertakings which the mission had been sent to secure.

11. On 11 March 1992, the Deputy Prime Minister of Iraq, Mr. Tariq Aziz, in his address to the Security Council, asserted Iraq's willingness to comply with resolution 687 and to "reach a practical solution to the question of the Security Council verification of Iraq's capabilities to produce the weapons prohibited by resolution 687." Iraq conditioned its willingness to do so "on the basis of respect to its sovereignty and dignity and of non-infringement upon its national

security, and on the basis that not allowing the objectives stipulated in Resolution 687 to be turned into means of preventing our people and country from living its free normal life like all other free people in the world." Mr. Aziz suggested that further negotiation and modification of the two plans approved under resolution 715 were necessary.

12. At the request of Iraq, the IAEA held subsequent meetings with an Iraqi technical team to discuss matters related to the requirements of information under resolution 715 (1991) and on the destruction of nuclear-related items.

13. The analysis by the IAEA of the translation of the tables provided by Iraq is complicated by the fact that, rather than producing a complete detailed inventory as required by Annex 2 of the plan, the Iraqi authorities have so far produced only lists of equipment, facilities and material with cross-references to other communications. Consequently, a determination as to the comprehensiveness and completeness of the information provided by Iraq is difficult to make. A number of inconsistencies and deficiencies have been identified by the Agency. No information was provided, as required by the plan, on the legislative and administrative measures taken by Iraq to implement resolution 687, 707, other relevant Security Council resolutions and the plan.

14. The 11th IAEA Inspection Team to visit Iraq from 7 - 15 April is scheduled to hold discussions on this matter with a view to securing from Iraq complete information in accordance with the requirements of the plan. It has been made clear to the Iraqi side that the IAEA will not negotiate modifications to the terms of the plans approved by the Security Council pursuant to resolution 715.

15. In conclusion, it is necessary to underscore that, until such time as Iraq provides the Agency with full and complete details of its nuclear programme, as required in accordance with resolution 715 and the relevant underlying plan, the IAEA will be precluded from establishing a firm basis for carrying out effectively monitoring and verification of the scope and nature approved by the Security Council.